



## City of Marietta Meeting Summary

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

### CITY COUNCIL

*William B. Dunaway, Mayor*  
*Annette Paige Lewis, Ward 1*  
*Griffin "Grif" L. Chalfant, Jr., Ward 2*  
*Holly Marie Walquist, Ward 3*  
*Irvan A. "Van" Pearlberg, Ward 4*  
*Rev. Anthony C. Coleman, Ward 5*  
*James W. King, Ward 6*  
*Philip M. Goldstein, Ward 7*

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**Wednesday, August 13, 2008**

**7:00 PM**

**Council Chamber**

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20080969

**Swearing-in of new police officers**

Swearing-in of police officers in the Marietta Police Department.

Brandon Shepherd

Anthony Meyer

***Oath Administered***

20080641

**National Payroll Week**

Proclamation presented to Ms. Darlene Moses, American Payroll Association, declaring the week of September 1-5, 2008 as National Payroll Week, giving additional support to the efforts of the people who work in Marietta, Georgia and the payroll profession.

***Presented***

20081011

**SPLOST for schools**

Update by the SPLOST school committee.

***Present***

20080942

**Special Meeting - July 30, 2008**

Review and approval of the July 30, 2008, City Council Special Called meeting minutes.

***Approved***

20080975

**Regular Meeting - July 9, 2008**

Review and approval of the July 9, 2008 regular meeting minutes.

***Approved***

20080174

**Board of Zoning Appeals Appointment**

Reappointment of James K. Lowman to the Board of Zoning Appeals (Ward 2) for a three year term beginning immediately and expiring on August 13, 2011.

***Approved***

20080624

**Code Enforcement - 414 Water Oak Way**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 414 Water Oak Way.

Listed Owner: Mari Quesada Anibal & Pedro A. Quesada Rosalia O.

Certified mail receipt received 05/16/08 as "not deliverable."

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

***Approved***

20080926

**Code Enforcement - 150 Aviation Road**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 150 Aviation Road.

Listed Owner: Ocwen Loan Servicing Bank

Certified mail receipt not received as of 07/29/08.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

***Approved***

20080943

**Code Enforcement - 835 Toliver Street**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 835 Toliver Street.

Listed Owner: Eberardo Lopez

Certified mail receipt not received as of 08/01/08.

Taxes Paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

***Approved***

20080947

**Code Enforcement - 593 Tom Read Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 593 Tom Read Drive.

Listed Owner: Gonzalez Jose A.

Certified mail receipt not received as of 08/01/08.

Taxes Paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

***Approved***

20080756

**Z2008-09 Connie Tabb 316 E. Dixie Avenue**

Z2008-09 [REZONING] CONNIE TABB request rezoning for property located in Land Lot 02900, District 17, Parcel 0850, 2nd Section, Marietta, Cobb County, Georgia and being known as 316 East Dixie Avenue from LI (Light Industrial) to RM-8 (Multi-Family Residential 8 units/acre). Ward 3.

***Approved***

*Motion to approve the rezoning for property located in Land Lot 02900, District 17, Parcel 0850, 2nd Section, Marietta, Cobb County, Georgia and being known as 316 East Dixie Avenue from LI (Light Industrial) to RM-8 (Multi-Family Residential 8 units/acre), with the following stipulations:*

- (1) There shall be an agreement, in writing, between the 2 properties about parking and being able to use the property next door for safe egress.*
- (2) Follow plan as presented for the exterior and property shall be used as a duplex or single family residence only.*
- (3) The Parking and Driveway Agreement shall be recorded with the Cobb County Superior Court within (7) seven days after approval.*
- (4) The construction on the property shall be completed within (9) months after approval.*
- (5) The elevations and floor plan submitted and signed by the applicant shall be incorporated as a condition of the rezoning, and shall be conformed to at a minimum in the remodeling of the house.*
- (6) The current non-conforming use for the property shall expire on or before September 30, 2008.*

20080960

**Code Enforcement - 222 Cole Street**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 222 Cole Street.

Listed Owner: Freeport Title & Guaranty, Inc.

Certified mail receipt not received as of 08/01/08.

Taxes Paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

***Approved***

20080970

**Denial of a claim**

Denial of a claim of Aaron Love.

*Approved to Deny Claim*

20080986

**Motion for Defunding**

Whereas the City of Marietta (hereinafter “City”) entered into a development and management agreement with the Marietta Redevelopment Corporation (hereinafter “MRC”) dated July 28, 2006, and

Whereas said development and management agreement grants certain rights to the City,

Now therefore, comes the City of Marietta and exercises its rights under the agreement as follows:

1. Pursuant to section 5.7 of the above agreement, the City hereby takes action to withdraw unencumbered balances from the Fund and hereby deauthorizes the use of the Fund for real estate purposes.
2. Pursuant to section 6.8 of the agreement, the City hereby directs the MRC to transfer all unencumbered funds currently held by the MRC to the City.

*Approved as Amended*

*Motion to continue the current funding of the Marietta Redevelopment Corporation.*

20080841

**HCV (Section 8) Pro-forma and Annual Plan**

Request approval of the city of Marietta Housing Choice Voucher Program (Section 8) pro-forma and annual plan.

*Approved*

20080724

**ITC Conference**

Motion approving the travel training expenses for the National League of Cities Information Technology and Communications (ITC) Committee in Plano, TX.

*Approved*

20080725

**Ethic Committee Recommendation**

Approval of an Ordinance amending Code Section 1-14-4-180, Section 1, Advisory Opinions.

*Referred to the JUDICIAL/LEGISLATIVE COMMITTEE*

20080861

**CA2008-07 Proposal to Amend the Comprehensive Development Code**

CA2008-07 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta relating to Division 708.26 Light Industrial, Paragraph B, Division 708.26 Light Industrial, Paragraph E, Division 708.27 Heavy Industrial, Paragraph B, Division 708.27 Heavy Industrial, Paragraph E, Division 712.01 Special Land Use Permits, and Division 724.02 Definitions of Terms, related to Special Land Use Permits.

*Approved*

20080839      **Disclosure of Property Acquisitions**

Motion to approve amending the policy dealing with the purchase of real estate to state the following "For real estate purchases, the city, following discussion in executive session (if held) and the delivery of a signed contract by the seller to the city, shall disclose in the public vote to approve the purchase of the property the price, name of the seller, closing date, the CONTRACT and address of the property. The contract shall be released upon the vote of the Council. Exempted from this policy would be the instance in which the city would be interested in purchasing property at a foreclosure or other bid situations."

*Approved*

20080856      **Disclosure of Property Acquisitions**

Request by Councilmember Grif Chalfant relative to the disclosure of property acquisitions.

*Removed*

20080723      **Extension of Service Agreement**

Motion to extend the Service Agreement for property/casualty insurances and related coverages with current provider through 8-16-2009.

*Approved*

20080836      **Ordinance Revision - Weapons**

Ordinance revising Section 4-4-20-040 of the City/BLW Personnel Rules and Regulations Regarding Weapons.

*Approved*

20080844      **Standard Operating Procedures for the Police Department**

Motion to adopt revisions to the Police Department Standard Operating Procedures: A022 Oleoresin Capsicum Spray/Foam; E012 VIP Security; E020 Barricade Incidents; E025 Civil Disturbance; E040 Emergency Callback; P010 Patrol Operations; T031 Career Development; T040 Firearms Qualifications; T050 Training

*Approved*

20080714      **Cobb Paulding Marietta Transportation Planning Committee Recommendations**

Motion to approve the Cobb Paulding Marietta Transportation Planning Committee Recommendations, as follows:

1. Investigate the potential for inter-parcel access along Whitlock Avenue corridor and conversion of existing parcel drives to right-in and right-out access only.
2. Take initiative to explore options with large employers for providing van pool incentives for employees in Acworth, Kennesaw and West Cobb.

*Approved*

20080707      **Reynolds Street**

Motion approving changing the speed limit on Reynolds St. to 25 mph.

*Approved*

20080829      **Maintenance Agreement for Powder Springs Road Multi-Use Trail**

Motion to approve the Maintenance Agreement between City of Marietta and Georgia Department of Transportation (GDOT) for Routine Maintenance of Powder Springs Road Multi-Use Trail.

*Approved*

20080832      **Signs on State Right of Way**

Motion authorizing staff to make a written request to the Georgia Department of Transportation on behalf of City Council to remove advance intersection and advance signal warning signs within the city limits of Marietta that are not identified as "required" by the Manual for Uniform Traffic Control Devices.

*Approved*

20080834      **Request for No Parking Zone along a portion of Carolyn Street**

Motion authorizing Public Works to install signs stating "No parking from here to corner" beginning on the north side of Carolyn Street approximately 120' from the intersection of Wallace Road.

*Approved*

20080972      **Partial property acquisitions**

Motion authorizing partial acquisition of the following properties for the purpose of constructing sidewalks

546 Fort Street	Mary P. Broadnax	
\$2000		
564 (1706) Fort Street	Harold Adams	\$4200
580 Fort Street.	James Brock, Jr.	
\$6400		
586 Fort Street	David Leaty	
\$0		
111 North Fairground St.	James Brock, Jr.	\$7200
226 Whitlock Drive	James & Lenora Cahill	\$1500
240 Whitlock Drive	Mae Bell Connor Annandale	\$ 300
351 North Woodland	Maxwell F. Hall, Jr.	\$ 400
600 Saint Anne's Road	Charles Baskin	\$3500
643 Kennesaw Avenue	James & Pellie Manning	\$2300

*Approved*

20081012

**Property Acquisitions**

Motion authorizing acquisition of the following properties:

Fairground Street Median & Streetscapes - Total Acquisitions		
509/511 Morningside Drive	Rube McMillan	\$155,350

Roswell Street Widening - Olive Street to Fairground - Partial Acquisition		
422 Roswell Street	Dorothy Winter	
\$3000		

*Approved*

20081013

**Property Acquisitions**

Motion to accept donations of portions of the following properties from Anderson Street Group II, LLC, for the construction of road & streetscape improvements on Roswell Street.

184 Roswell Street  
192 Roswell Street  
199 Roswell Street

*Approved*

20080919

**Maintenance Agreement for Powder Springs Road Multi-Use Trail and Landscape Median**

Motion to approve the Maintenance Agreement between City of Marietta and Georgia Department of Transportation (GDOT) for Routine Maintenance of Powder Springs Road Multi-Use Trail and Landscaped Median.

*Approved*

20080812

**Denial of Sign Permit Application**

Appeal of a denial of a Sign Permit application for Clear Channel Outdoor, Inc. to install LED sign faces on existing sign located at 70 Powers Ferry Road, Marietta, GA.

***Approved***

*Motion to affirm the decision of the Planning and Zoning Manager to deny the Sign Permit application for Clear Channel Outdoor, Inc. to install LED sign faces on existing sign located at 70 Powers Ferry Road, Marietta, GA.*

20080757      **V2008-11 Islamic Circle of North America, Inc. 968 Powder Springs Street**

V2008-11 [SPECIAL LAND USE PERMIT] ISLAMIC CIRCLE OF NORTH AMERICA, INC. request a Special Land Use Permit for property located in Land Lot 00770, 17th District, Parcel 0152, 2nd Section of Cobb County, Marietta, Georgia and being located at 968 Powder Springs Street. Request for a Special Land Use Permit for a Place of Assembly. Ward 2.

***Tabled***

*Motion to table this matter until the September 10, 2008 regular City Council meeting.*

20080921      **V2008-13 Burnt Hickory, LLC 900 Whitlock Avenue**

Variance to waive the requirements of the Commercial Corridor Design Overlay District to increase the maximum setback along a street right of way from 75 feet to 90 feet along Whitlock Avenue and to 130 feet along Burnt Hickory Road [712.09]; and, a variance to reduce the number of parking spaces required on site based upon shared parking areas with the existing shopping center [716.07]. Ward 4.

***Approved as Stipulated***

*Variance to waive the requirements of the Commercial Corridor Design Overlay District to increase the maximum setback along a street right of way from 75 feet to 90 feet along Whitlock Avenue and to 130 feet along Burnt Hickory Road [712.09]; and, a variance to reduce the number of parking spaces required on site based upon shared parking areas with the existing shopping center, with the stipulation that a portion of the right-of-way at the corner of Burnt Hickory Road and Whitlock Avenue be donated as approved by the Public Works Director.*

20080948      **National League of Cities (NLC)**

Motion to approve travel and training expenses for Mayor and Council members who wish to attend the National League of Cities (NLC) 2008 Congress of Cities and Exposition being held in Orlando, Florida November 11-15, 2008.

***Approved***

20080949      **NLC Congress of Cities Voting and Alternate Voting Delegates**

Appointment of Holly Walquist as voting and Annette Lewis as alternate voting delegates for the National League of Cities (NLC) Congress of Cities' Annual Business Meeting on Saturday, November 15, 2008.

***Approved***

20080954      **NLC Council on Youth, Education, and Families**

Motion to approve travel expenses for Council member Annette Lewis to attend the NLC's Council on Youth, Education, and Families (YEF Council) being held in Charleston, SC on September 25-26, 2008.

*Approved*

20080982      **Amend City Ordinance 10-4-122**

Approval to amend City Ordinance 10-4-122 Operation of go-carts or other similar vehicles on public roadways, public parks, cemetery, public schools or public property prohibited, to include an exemption for city vehicles operated by city employees for official business.

*Discussed*

20080991      **Property Condemnation-317 N. Fairground Street**

Motion to authorize the acquisition of property owned by Ms. Jessie Edward Wheatcroft on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

*Approved*

20080992      **Property Condemnation - 327 N. Fairground**

Motion to authorize the acquisition of property owned by Mr. Marc Jones on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

*Approved*

20080993      **Property Condemnation - 383 N. Fairground**

Motion to authorize the acquisition of property owned by Mr. Melvin C. Holton on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

*Approved*

20080994

**Property Condemnation - 415 N. Fairground**

Motion to authorize the acquisition of property owned by Mr. Marc Jones on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

*Approved*

20080995

**Property Condemnation - 513 Ramona Street**

Motion to authorize the acquisition of property owned by Mickey King on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

*Approved*

20080996

**Property Condemnation - 559 Fairground Street**

Motion to authorize the acquisition of property owned by 559 Fairground LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

*Approved*

**20080997      Property Condemnation - 591-593 Frasier Street**

Motion to authorize the acquisition of property owned by Mr. Robert Winch on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

*Approved*

**20080998      Property Condemnation - 390 Roswell Street**

Motion to authorize the acquisition of property owned by Corn Enterprises, Inc. on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

*Approved*

**20080999      Property Condemnation - 416 Roswell Street**

Motion to authorize the acquisition of property owned by Louis Tuchiarelli on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

*Approved*

**20081001      Property Condemnation - 507 Roswell Street**

Motion to authorize the acquisition of property owned by Four Star Ventures, LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

*Approved*

**20081002      Property Condemnation - 515 Roswell Street**

Motion to authorize the acquisition of property owned by 515 Roswell St., LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

*Approved*

**20081003      Property Condemnation - 533 Roswell Street**

Motion to authorize the acquisition of property owned by VC Properties LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

*Approved*

**20081004      Property Condemnation - 547 Roswell Street**

Motion to authorize the acquisition of property owned by Masonic Temple on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

*Approved*

**20081005      Property Condemnation - 574 Roswell Street**

Motion to authorize the acquisition of property owned by United Food and Gas Inc. on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

*Approved*

20081006      **Property Condemnation - 602 Roswell Street**

Motion to authorize the acquisition of property owned by Wachovia Bank, N.A. on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

*Approved*

20081007      **Property Condemnation - 251 Roswell Street**

Motion to authorize the acquisition of property owned by W. A. Spinks on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

*Approved*

20081008      **Property Condemnation - 1010 Roswell Street**

Motion to authorize the acquisition of property owned by Four Star RTO, LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

*Approved*

20081009      **Property Condemnation 244 Roswell Street**

Motion to authorize the acquisition of property owned by 244 Roswell Street Condominium Association, Inc. on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and

a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

*Approved*

20080978

**BLW Actions of August 11, 2008**

Review and approval of the August 11, 2008 actions and minutes of the Marietta Board of Lights and Water Works (BLW).

*Approved*